

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID CORDOVA,

Plaintiff,

vs.

No. 13cv1025 MCA/ACT

**UNITED STATES POSTAL SERVICE DRIVER C-48 “Norman”;
UNITED STATES POSTAL SERVICE,**

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on pro se Plaintiff David Cordova’s amended Application to Proceed in District Court Without Prepayment of Costs and Fees, filed November 15, 2013, *see* Doc. 7 (hereinafter called “amended motion to proceed IFP”).

The Court denied Cordova’s initial motion to proceed IFP because Cordova failed to present sufficient credible information demonstrating his indigency. November 5, 2013 Order at 2-3. The Court also dismissed Cordova’s Complaint because it did not invoke the Court’s subject-matter jurisdiction. *See id.* at 3-6. The Court ordered Cordova to “file an amended Complaint” and either pay the filing fees or submit an amended application to proceed IFP. *Id.* at 6.

Cordova filed a response to the Court’s order and an amended application, but he did not file an amended complaint. As noted in the November 5, 2013 Order, the Court is still concerned with Cordova’s candor. In the response, Cordova states that he lives in Truchas, New Mexico with a family member who, despite Cordova’s unemployment and medical issues, charges Cordova rent and utilities of \$1080/month plus \$100/month for repairs and maintenance. Cordova shall file the family member’s affidavit, sworn under penalty of perjury, which describes the housing he or she rents to Cordova, the monthly mortgage, utilities, and repair/maintenance fees the family member

pays; the monthly rent, utilities, and repair/maintenance fees the family member charges to Cordova; and whether the family member reports that income to the IRS. Cordova shall also inform the Court whether he has received, or will receive, any inheritance from Cordova's mother's estate. Cordova also shall file an affidavit from his eye surgeon that gives the dates and types of Cordova's surgeries, the expected future surgical treatment, and Cordova's most recent vision measurements. Finally, as the Court has already ordered, Cordova's original Complaint has already been dismissed and Cordova must file an amended complaint that does not attempt to bring claims under § 1983; that lists the FTCA as the basis for jurisdiction; that names only the United States as a defendant; and that Cordova signs under penalty of perjury. The Court will withhold a ruling on the amended application to proceed IFP until Cordova has complied with these requirements.

IT IS ORDERED that, within fifteen days of the filing of this Order, Cordova shall comply with the Court's orders as set forth above, or the case will be closed without further notice.

SO ORDERED this 18th day of November, 2013.



M. CHRISTINA ARMIJO
CHIEF UNITED STATES DISTRICT JUDGE